

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1813-MLM-E TCEQ ID NOS: RN100211663 AND RN100238385 CASE NO.: 34927

RESPONDENT NAME: VALERO REFINING-TEXAS, L.P.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Plant 1 - 1300 Cantwell Lane, Corpus Christi, Nueces County
Plant 2 - 1301 Loop 197 South, Texas City, Galveston County

TYPE OF OPERATION: oil/petroleum refineries

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one pending enforcement actions regarding Facility 1 (2009-0510-AIR-E). There are three pending enforcement actions at Plant 2 (2007-1413-AIR-E; 2009-0448-AIR-E; 2008-0615-AIR-E).

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired July 20, 2009. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
SEP Coordinator: Ms. Sharon Blue, Litigation Division MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492
TCEQ Regional Contact: Mr. David Turner, Corpus Christi Regional Office, MC R-14 (361) 825-3100
Mr. Brad Genzer, Corpus Christi Regional Office, MC R-14 (361) 825-3100
Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14 (361) 825-3100
Ms. Linda Vasse, Houston Regional Office, MC R-12 (713) 767-3500
Respondent: Valero Refining-Texas, L.P., One Valero Way, San Antonio, Texas 78249
Respondent's Attorney: Mr. Parker Wilson, Attorney, Valero Energy Corporation, P.O. Box 696000,
San Antonio, Texas 78269-6000

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: <u>Plant 1:</u> July 6, 2007; May 27, 2008; June 20, 2008 <u>Plant 2:</u> March 12, 2007; March 28, 2007; May 23, 2007 </p> <p>Dates of NOEs Relating to this Case: March 31, 2007; April 4, 2007; May 3, 2007; June 1, 2007; October 3, 2007; May 31, 2008; June 17, 2008; August 5, 2008 </p> <p>Background Facts: This case consists of three separate cases consolidated into one. The EDPRPs for TCEQ Docket Nos. 2007-1813-MLM-E and 2007-0603-AIR-E were each filed on October 30, 2008. TCEQ Docket No. 2008-1002-AIR-E was consolidated with the other two cases under the TCEQ Docket No. 2007-1813-MLM-E. An Agreed Order was signed on May 7, 2009. </p> <p>Current Compliance Status: Not yet in compliance.</p> <p>MLM: Plant 1: 1. Failed to prevent the unauthorized discharge and accumulation of untreated hazardous wastewater on the ground [30 TEX. ADMIN. CODE §§ 335.4 and 335.43(a); and TEX. WATER CODE § 26.121(a)]. 2. Failed to comply with hazardous waste tank requirements including, but not limited to, the structural integrity of the tank, compatibility with the waste(s) being stored and corrosion protection [30 TEX. ADMIN. CODE § 335.69(a)(1)(B)]. 3. Failed to maintain compliance with the emission limits. Specifically, stack testing of the fluidized catalytic cracking unit ("FCCU") Regenerator/CO Boiler Stack (EPN 12-CO-STK) conducted on August 15, 2007 and February 14, 2008 indicated particulate matter emissions of 1.08 and 1.23 lbs per 1,000 lbs of coke burn-off, respectively, with a permit limit of one lb per 1,000 lbs of coke burn-off [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 18]. </p>	<p>Total Assessed: \$108,900</p> <p>Total Deferred: \$54,450 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset </p> <p>Total Paid to General Revenue: \$54,450</p> <p>The Respondent paid \$54,450 of the assessed penalty. The remaining amount of \$54,450 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><u>Plant 1:</u> Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><u>Plant 2:</u> Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Violation no. 1 at Plant 2 involves an emission or discharge of contaminants to the environment or other actions meeting the following criteria: People and environmental receptors have been exposed to pollutants which exceed levels that are protective. </p>	<p>Corrective Actions Taken: The Executive Director recognizes that the Respondent implemented the following corrective measures at Plant 2:</p> <ol style="list-style-type: none"> Installed an external maintenance bypass on the Uninterruptible Power Supply ("UPS") on December 13, 2006, enhanced labeling on the panel UPS schematic and switches on December 31, 2006, installed a backup power connection on December 15, 2006, and implemented a practice of performing job reviews prior to performing any preventative maintenance on the UPS on December 31, 2006, for the purpose of preventing the recurrence of emissions events due to the same cause as the December 11, 2006 emissions event; On February 15, 2007 Valero completed installation of a methanol injection system to prevent the formation of hydrates in the deethanizer overhead line, for the purpose of preventing the recurrence of emissions events due to the same cause as the January 19, 2007 and January 28, 2007 emissions events; and On March 10, 2007 Valero completed adjustments to the internal relief valve settings on the methanol injection pump, for the purpose of preventing the recurrence of emissions events due to the same cause as the March 4, 2004 emissions event. <p>Ordering Provision(s): The Respondent shall undertake the following technical requirements at Plant 1:</p> <ol style="list-style-type: none"> Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). Within 30 days, submit a letter to TCEQ indicating the manner in which Tank 100 will be used as: <ol style="list-style-type: none"> A product tank; Part of the wastewater treatment unit; or A hazardous waste management unit.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Plant 2:</p> <p>1. Failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, FCCU, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit. Specifically, during the December 11, 2006, emissions event the following unauthorized emissions were released from the Alkylation Unit and the No. 1, 2, 3, and 4 Flare Stacks over a period of 33 hours and 30 minutes: 18,329 pounds ("lbs") of sulfur dioxide, 11,798 lbs of volatile organic compounds, and 6,229.90 lbs of carbon monoxide. Since the emissions event was avoidable, the Respondent was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a); Air Permit No. 39142, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the FCCU. Specifically, during the January 19, 2007, emissions event 8,844.40 lbs of unauthorized sulfur dioxide emissions were released from Drum D-157 over a period of two hours. Since the emissions event was avoidable, the Respondent was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a); Air Permit No. 39142, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent unauthorized emissions during a January 28, 2007 emissions event in the Saturates Gas Plant. Specifically, during the January 28, 2007, emissions event the following unauthorized emissions were released from Drum-465 over a period of 11 hours and 15 minutes: 8,876.20 lbs of sulfur dioxide and 354.90 lbs of propane. Since the emissions event was avoidable, the Respondent was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a); Air Permit No. 39142, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4. Failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit. Specifically, during the March 4, 2007, emissions event the following unauthorized emissions from Flare Nos. 2 and 3 over a period of 17 hours and 44 minutes: 10,139.40 lbs of sulfur dioxide, 984.80 lbs of carbon monoxide, 476.10 lbs of propane, 122.70 lbs of nitrogen monoxide, 109.90 lbs of hydrogen sulfide, 81.20 lbs of butane, 56.70 lbs of isopentane, 53.80 lbs of ethylene, 10.6 lbs of nitrogen dioxide, 5.6 lbs of butane, and 2.9 lbs of trans-2-butene. Since the emissions event was avoidable, the Respondent was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a); Air Permit No. 39142, Special Condition No. 1; TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>3. Within 60 days:</p> <p>a. In the event that Tank 100 is to be used as part of the wastewater treatment system, update the Facility's Notice of Registration to reflect the status of Tank 100 as part of the wastewater treatment system.</p> <p>b. In the event that Tank 100 is to be used as a hazardous waste management unit, submit a plan and schedule for upgrading Tank 100 to comply with the tank requirements of 40 CFR, Subpart J – Tank Systems.</p> <p>c. In the event that Tank 100 is to be used as a product tank, submit written certification that all hazardous waste has been removed from Tank 100 and disposed of properly.</p> <p>4. Within 75 days, submit written certification and demonstrate compliance with Ordering Provision Nos. 1 and 2.</p>

Attachment A
Docket Number: 2007-1813-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Valero Refining-Texas, L.P.
Penalty Amount:	One hundred and eight thousand nine hundred dollars (\$108,900)
SEP Offset Amount:	Fifty-four thousand four hundred and fifty dollars (\$54,450)
Type of SEP:	Pre-approved
Third-Party Recipient:	Keep Texas Beautiful Texas Waterways Cleanup Program
Location of SEP:	Galveston County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to *Keep Texas Beautiful* for the *Texas Waterways Cleanup* project in Galveston County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will pay for the labor and disposal costs associated with cleanup of waterways, by supplying project coordination, labor, supplies, and materials. SEP funds shall be limited to the actual direct costs for the specific purposes necessary to meet the requirements of the SEP and no portion of the SEP funds will be spent on administrative costs. Cleanups may be coordinated with waste collection facilities and/or local governments to employ heavy machinery for the removal of large waste items. To the maximum extent possible, cleanups shall be accomplished with the use of volunteers from community groups, private companies, schools, and youth organizations. SEP Funds may be used for activities. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing unauthorized trash dumps and providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid communities of hazardous contaminants that may leach into the soil and water.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Keep Texas Beautiful
Attention: Anne Cunic, Affiliate Services Manager
1524 South IH-35, Suite 150
Austin, Texas 78704
P.O. Box 2251
Austin, Texas 78768

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount. In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ DATES	Assigned	15-Oct-2007	Screening	17-Nov-2007	EPA Due	
	PCW	23-Mar-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100211663		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34927	No. of Violations	2
Docket No.	2007-1813-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer
Multi-Media	Water Quality	EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1:	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	132% Enhancement	Subtotal 2, 3, & 7:	\$19,800
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Notes: At this Facility, the Respondent had three NOV's for similar violations, 11 NOV's for dissimilar violations, two 1660 orders, one Findings Order and one Court Order within the past five years.

Culpability	No	0% Enhancement	Subtotal 4:	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5:	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$11,621	0% Enhancement	Subtotal 6:	\$0
Approx. Cost of Compliance	\$100,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal:	\$34,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment:	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$34,800**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty:	\$34,800
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DEFERRAL	0% Reduction	Adjustment:	\$34,800
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$34,800
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PCW - A

Plant 1

Screening Date 17-Nov-2007

Docket No. 2007-1813-MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100211663

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 132%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

At this Facility, the Respondent had three NOVs for similar violations, 11 NOVs for dissimilar violations, two 1660 orders, one Findings Order and one Court Order within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 132%

Screening Date 17-Nov-2007	Docket No. 2007-1813-MLM-E	PCW
Respondent Valero Refining-Texas, L.P.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34927	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN100211663		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number 1		
Rule Cite(s)	Tex. Water Code § 26.121(a) and Tex. Admin. Code §§ 335.4 and 335.43(a)	
Violation Description	<p>Failed to prevent the unauthorized discharge and accumulation of untreated hazardous wastewater on the ground, as documented during an investigation conducted on July 6, 2007. Specifically, untreated industrial wastewater and contact storm water from Tank 109 was discharged into an earthen containment area surrounding the tank. Analysis of a sample collected from the Interceptor Trench flowing into Tank 109 indicated the wastewater exhibited the toxicity characteristic for benzene (D018) with a benzene concentration of 2.2 milligrams per liter. Also, the Respondent diverted wastewater from Tank 109 to Tank 100 which overflowed the tank and mixed with accumulated stormwater inside the earthen containment area surrounding Tank 100.</p>	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Percent 50%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent 0%
Matrix Notes	Human health and the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.	
Adjustment		\$5,000
		\$5,000
Violation Events		
Number of Violation Events <input type="text" value="2"/>		<input type="text" value="134"/> Number of violation days
mark only one with an x	daily <input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$10,000"/>
	monthly <input type="checkbox"/>	
	quarterly <input type="checkbox"/>	
	semiannual <input type="checkbox"/>	
	annual <input type="checkbox"/>	
	single event <input checked="" type="checkbox"/>	
Two events (one for each discharge) are recommended based on the July 6, 2007 investigation.		
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$11,616"/>		Violation Final Penalty Total <input type="text" value="\$23,200"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$23,200"/>

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 34927

Reg. Ent. Reference No. RN100211663

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	\$0	\$0
Record Keeping System			0.0	\$0	\$0	\$0
Training/Sampling			0.0	\$0	\$0	\$0
Remediation/Disposal			0.0	\$0	\$0	\$0
Permit Costs			0.0	\$0	\$0	\$0
Other (as needed)	\$100,000	6-Jul-2007	31-Oct-2009	2.3	\$11,616	\$11,616

Notes for DELAYED costs

Develop and implement procedures to prevent the unauthorized discharge(s) of wastewater from the wastewater treatment system including having Tank 100 listed as part of the wastewater treatment system if it is to be utilized to equalize stormwater and the estimated cost to close/remediate the areas around Tank Nos. 109 and 100. The Date Required is the July 6, 2007 investigation and the Final Date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000

TOTAL

\$11,616

Screening Date 17-Nov-2007		Docket No. 2007-1813-MLM-E		PGW	
Respondent Valero Refining-Texas, L.P.		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34927		<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN100211663					
Media [Statute] Industrial and Hazardous Waste					
Enf. Coordinator Michael Meyer					
Violation Number 2					
Rule Cite(s)		30 Tex. Admin. Code § 335.69(a)(1)(B)			
Violation Description		<p>Failed to comply with hazardous waste tank requirements including, but not limited to the structural integrity of the tank, compatibility with the waste(s) being stored and corrosion protection, as documented during an investigation conducted on July 6, 2007. Specifically, the respondent diverted D018 waste to Tank 100 which was being used as a crude oil storage tank, thereby utilizing this tank as a hazardous waste storage tank.</p>			
		Base Penalty		\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential	x			Percent	50%

>> Programmatic Matrix

OR	Falsification					
	Major	Moderate	Minor			
	Actual				Percent	0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

Violation Events

Number of Violation Events	1	134	Number of violation days
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mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One event is recommended based on the July 6, 2007 investigation.

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$0	Violation Final Penalty Total	\$11,600
		This violation Final Assessed Penalty (adjusted for limits)	\$11,600

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 34927

Reg. Ent. Reference No. RN100211663

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.12																																																																																																																																																						
Regulated Entity:	RN100211663	VALERO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 11.43																																																																																																																																																						
ID Number(s):	<table><tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0043A</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1231</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2238</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2239</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2250</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1750</td></tr><tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0476L</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1750</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0000465000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0006904000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0006904</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0043A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1084</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1085</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1152</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2937</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>9344</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>10923</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11456</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11652</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>13764</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2180A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3477</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3783</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5285A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5487A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5488A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>16859</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>21656</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>21563</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>22390</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>30275</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>41936</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>46768</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>71884</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>75588</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4835500018</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>72781</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX1023M1</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX1023</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>78472</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>78481</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0476L</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4835500177</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # 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Location:	1300 CANTWELL LN, CORPUS CHRISTI, TX, 78407		Rating Date: September 01 07 Repeat Violator: NO																																																																																																																																																							
TCEQ Region:	REGION 14 - CORPUS CHRISTI																																																																																																																																																									
Date Compliance History Prepared:	December 09, 2007																																																																																																																																																									
Agency Decision Requiring Compliance History:	Enforcement																																																																																																																																																									
Compliance Period:	November 01, 2002 to October 31, 2007																																																																																																																																																									

CH-A

Name: Michael Meyer Phone: (512) 239-4492

Site Compliance History Components

- | | |
|--|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>Valero Refining-Texas, L.P.</u> |
| | <u>Coastal Refining & Marketing, Inc.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Coastal Refining and Marketing Inc</u> |
| 5. When did the change(s) in ownership occur? | <u>11/08/2004</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/16/2003

ADMINORDER 2002-1055-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SC 1 PERMIT

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.11 for emissions resulting from an upset event 11/2/01.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

Description: Failure to prevent visible emissions from a gas flare for a duration of less than five minutes in a two hour period during an upset event on 11/2/01

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

Description: Failure to provide notification of reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 21, 2002 and February 7, 2003, within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Vacuum Jet Compressor during eleven emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Ingersoll Rand (IR) Compressor during an emissions event on June 27, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit 21655 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Sulfur Recovery Unit Incinerator during an emissions event which started on June 20, 2002 and ended on June 24, 2002.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failure to provide rule required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 23, 2003, to the commission's regional office within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)

Rqmt Prov: General Conditions PA

Description: Failure to obtain regulatory authority for, or satisfy all demonstration criteria to exempt from compliance limitations, the emissions (including approximately 3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on September 23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

Rqmt Prov: 6797 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and (c) and obtain regulatory authority for the emissions (including approximately 89 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during emissions events and scheduled activities.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

Description: Failure to prevent emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties from exceeding a net ground level concentration of 0.80 parts per million averaged over a 30-minute period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SC 1 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and obtain regulatory authority for the emissions (including approximately 6.3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on or about May 5, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ Corpus Christi Region Office within twenty four hours after the discovery of a reportable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstrations criteria in 30 TAC §101.222(b) and gain an affirmative defense for the unauthorized emissions that were released during TCEQ incident 37739.

Classification: Moderate

Rqmt Prov: Provision No. 3 PERMIT

Description: Failed to prevent the discharge of floating solids and visible foam in other than trace amounts at Outfall 001.

Effective Date: 12/30/2005

ADMINORDER 2001-1023-AIR-E 2

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred 7/2/00 - 7/7/00.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain complete records regarding upset event that occurred on 9/8/2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset events that occurred on 7/2/00 thru 7/7/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset that occurred on 9/26/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 9/26/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from 20 upset events at crude & vacuum unit.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain flare observation log for 4 flares for may & june 2000 & for east plt. main flare

for december 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)(2)
30 TAC Chapter 115, SubChapter B 115.114(b)(3)
30 TAC Chapter 115, SubChapter B 115.114(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. visually inspect or physically measure secondary seal gaps of vessels numbered 84, 98, 100, 151, 153, 355 & 358 at least once every 12 months during calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. mark applicable pipeline valves & pressure relief valves in gaseous VOC serv. in manner readily obvious to monitoring personnel.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.326(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. measure emissions from all affected process drains on yearly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)

Rqmt Prov: SC 11 & 12 PERMIT
SC 13F PERMIT
SC 16F & 16G PERMIT
SC 1F & 1G PERMIT
SC 3F & 3G PERMIT
SC 5 & 6 PERMIT
SC 5F, 5G & 6 PERMIT
SC 6 PERMIT
SC4 PERMIT

Description: Fail. properly conduct test method 21.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit monitoring program plan which includes list of refinery units & quarter in which they will be monitored copy of log book format & make & model of monitoring equip. to be used.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit required compliance plan & start up notification before #2 reformer at Quintana plt. was re-started in 1/2001.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC13 PERMIT
SC29E PERMIT

Description: Fail. submit accurate summ. rpt. for SRU#1 for 3rd qurtr. cal. yr. 1999(3Q99) & for SRU#1 & SRU #2 for 2Q00 & fail. to submit CMS EER for 1Q97, 2Q97, 4Q98 & 2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 SO2 emissions, 3Q97 & 1Q00 co-gen. unit NOX emiss.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit rpt. at least semi-annual cert. indicating whether any changes were made in ops. SRU#1 & SRU#2 emission control system when SO2 data wasn't available from CEMS.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart NNN 60.665(a)
40 CFR Part 60, Subpart NNN 60.665(d)

Description: Fail. submit notification indicating method of compliance w/ 40CFR60.662 & fail. provide records of flow rates & semi-annual rpts. as required.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11A PERMIT
SC13A PERMIT
SC16A PERMIT
SC3A PERMIT
SC4A PERMIT
SC5A & 6A PERMIT

Description: Fail. provide records of throughput and service and emission control tanks repairs/replacements.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11F PERMIT
SC16F PERMIT
SC4F PERMIT
SC6F PERMIT
SCF5 PERMIT

Description: Fail. utilize directed maintenance program to monitor accessible valves.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP 8D,8E &8F PERMIT

Description: Fail. maintain record of semi-annual & yr.-to-date emissions calculations for annual & short-term emissions for vessels.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC1 PERMIT

Description: Fail to produce, upon request, proper records of CO emissions.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC8 PERMIT

Description: Failed to include emissions from the CO boiler and the collapse of the roof of storage vessel no. 352 in teh EIU for calendar year 1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. maintain emissions of CO, VOC & PM at or below allowable emission limits for reactor heater 3-H-3 for calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Fail. comply w/ required fuel rate limit for reactor heater 3-H-3 from 10/1999 - 6/2000 & 8/2000

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC8A PERMIT

Description: Fail. properly maintain records of fuel throughput for reactor heater 3-H-3.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC7 PERMIT

Description: Fail. report results of annual test runs to confirm accuracy of weekly sampling procedures of SC4 of TNRCC air permit #3784A for 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain emissions of VOC, NOx & CO at or below allowable emission limits for #2 reformer flare REF2FL1 for calendar yrs. 1999 & 2000 and misrepresentation of these emissions in 1/22/92 permit app..

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC5 PERMIT
Description: Fail. maintain records of daily avg. fuel gas usage for heater QL-10.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Fail. maintain emissions of CO at or below allowable emission limits for heater QH-125 for calendar yrs. 1999 & 2000.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Fail. maintain emissions of VOC at or below allowable emission limits for heater Q10-H-1 for calendar yr. 2000.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC6 PERMIT
Description: Fail. comply w/ required feed rate limit for heater Q10-H-1 for 12/1999.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC4 PERMIT
Description: Fail. comply w/ required hourly firing rate limit for heater 8-H-6 from 1/1 to 5/27, 6/3 to 6/18, 7/3 to 7/6 & 7/21 to 9/9, 1999; and fail. comply w/ required hourly firing rate limit for heaters 8-H-3 & 8-H-5 for 17 hrs. between 1/22 & 4/21, 1999.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC11E PERMIT
Description: Fail. manually switch CEMS monitor between stacks cogen-1 & cogen-2 every 3 months during calendar yrs. 1999 & 2000.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 OP
Description: Failure to produce on request records of VOC emission levels for for Coker Heater 7-H-2 for calendar year 1999 and for emission levels of VOCs, PM and CO for calendar year 2000
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: misrepresented the West Plant Flare as an emergency flare instead of a process flare
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC18 OP
Description: failed to complete all samples required for cooling water VOC leak detection sampling
Effective Date: 08/23/2007 ADMINORDER 2007-0131-AIR-E 3
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ 2937 / SC 1 PA
Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense against penalties for unauthorized emissions that were released from the No. 4 Vacuum Unit during an emissions event (TCEQ STEERS No. 75676) which occurred on or about May 10, 2006.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/25/2002	(159910)
2	12/17/2002	(159914)
3	01/21/2003	(159918)
4	02/17/2003	(159877)
5	02/20/2003	(246568)
6	03/19/2003	(159880)
7	04/11/2003	(31132)
8	04/17/2003	(159885)
9	04/18/2003	(33903)
10	04/21/2003	(33898)
11	05/08/2003	(36029)
12	05/20/2003	(159889)
13	06/16/2003	(159893)
14	06/19/2003	(114250)
15	06/25/2003	(36014)
16	07/24/2003	(159897)
17	08/18/2003	(296115)
18	08/28/2003	(29654)
19	09/22/2003	(296117)
20	10/21/2003	(296119)
21	11/21/2003	(296120)
22	12/16/2003	(147906)
23	12/17/2003	(258116)
24	12/22/2003	(296121)
25	01/06/2004	(251552)
26	01/20/2004	(296123)
27	02/17/2004	(332781)
28	02/18/2004	(296104)
29	03/19/2004	(296107)
30	03/26/2004	(265025)
31	03/26/2004	(265011)
32	04/15/2004	(258186)
33	04/22/2004	(296108)
34	05/17/2004	(265353)
35	05/18/2004	(296110)
36	06/07/2004	(274416)
37	06/15/2004	(269771)
38	06/21/2004	(296112)
39	06/22/2004	(270344)
40	06/30/2004	(277545)
41	06/30/2004	(277770)
42	07/20/2004	(352431)
43	08/19/2004	(352432)
44	08/27/2004	(289772)
45	08/31/2004	(267107)
46	09/13/2004	(352433)
47	10/07/2004	(292867)
48	10/21/2004	(352434)
49	10/21/2004	(334534)
50	11/23/2004	(352435)
51	11/30/2004	(342556)
52	11/30/2004	(342509)
53	12/06/2004	(342868)
54	12/22/2004	(381980)
55	12/28/2004	(345193)
56	01/14/2005	(381981)
57	02/10/2005	(342544)
58	02/22/2005	(381978)
59	03/18/2005	(381979)
60	04/11/2005	(350299)
61	04/15/2005	(373717)
62	04/19/2005	(430046)
63	05/23/2005	(430047)
64	06/02/2005	(394325)
65	06/02/2005	(394464)
66	06/21/2005	(430048)

67	06/27/2005	(375543)
68	07/05/2005	(397974)
69	07/09/2005	(397621)
70	07/15/2005	(397268)
71	07/20/2005	(430049)
72	08/19/2005	(440955)
73	08/19/2005	(405862)
74	08/24/2005	(402929)
75	08/30/2005	(418769)
76	09/19/2005	(440956)
77	10/14/2005	(433213)
78	10/24/2005	(440957)
79	10/25/2005	(432976)
80	11/17/2005	(403617)
81	11/21/2005	(468638)
82	12/21/2005	(468639)
83	12/21/2005	(439798)
84	01/23/2006	(468640)
85	01/28/2006	(453260)
86	02/08/2006	(453776)
87	02/22/2006	(468635)
88	03/20/2006	(468637)
89	03/28/2006	(458315)
90	04/19/2006	(462919)
91	04/24/2006	(498341)
92	05/08/2006	(465221)
93	05/08/2006	(464657)
94	05/23/2006	(498342)
95	05/25/2006	(479708)
96	06/06/2006	(480816)
97	06/19/2006	(465775)
98	06/21/2006	(498343)
99	07/07/2006	(485108)
100	07/10/2006	(462991)
101	07/19/2006	(481002)
102	07/20/2006	(498344)
103	08/18/2006	(520356)
104	08/22/2006	(483293)
105	08/29/2006	(488424)
106	08/29/2006	(509898)
107	08/30/2006	(509065)
108	09/13/2006	(510965)
109	09/19/2006	(520357)
110	10/16/2006	(511059)
111	10/20/2006	(544689)
112	11/16/2006	(544690)
113	11/30/2006	(531095)
114	12/05/2006	(532536)
115	12/06/2006	(532499)
116	12/19/2006	(544691)
117	12/20/2006	(511278)
118	01/08/2007	(533142)
119	01/19/2007	(532903)
120	01/22/2007	(544692)
121	01/26/2007	(537711)
122	01/26/2007	(534329)
123	02/05/2007	(517485)
124	02/08/2007	(538991)
125	02/20/2007	(575585)
126	02/21/2007	(541385)
127	02/26/2007	(533896)
128	03/16/2007	(553836)
129	03/20/2007	(575586)
130	04/23/2007	(575587)
131	05/21/2007	(575588)
132	06/04/2007	(540935)
133	06/22/2007	(575589)
134	06/29/2007	(554747)

135 07/18/2007 (575590)
 136 07/27/2007 (564471)
 137 08/01/2007 (565791)
 138 08/20/2007 (607581)
 139 08/20/2007 (563339)
 140 08/21/2007 (562042)
 141 08/22/2007 (570744)
 142 08/28/2007 (573456)
 143 08/29/2007 (573753)
 144 08/29/2007 (573754)
 145 08/29/2007 (573755)
 146 08/30/2007 (570541)
 147 08/31/2007 (567701)
 148 09/14/2007 (594164)
 149 09/21/2007 (607582)
 150 10/09/2007 (595753)
 151 10/19/2007 (597755)
 152 10/22/2007 (597742)
 153 10/31/2007 (599527)
 154 10/31/2007 (598205)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/20/2003 (246568) **1**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 03/11/2003 (26414) **2**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)
 Description: Valero failed to notify the executive director by electronic notification of nonhazardous industrial solid waste disposal activities.
 Date: 03/11/2003 (25137) **3**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
 Description: TWC Chapter 26 26.121(a)(1) Failure to prevent the discharge of industrial waste from entering "waters of the state" (ground water).
 Date: 04/23/2003 (31132) **4**
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT WQ0000465-000
 Description: Failure to maintain a record of calibration activities for the flow meter at Outfall 001.
 Date: 02/17/2004 (332781) **5**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 08/19/2004 (289772) **6**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(II)
 Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.
 Date: 01/31/2006 (468635) **7**
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter
 Date: 08/23/2006 (488424) **8**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.340
 Description: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(i) Failure to maintain records as required by applicable federal rule.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 Description: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1) Failure to conduct required monthly monitoring of six pumps.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 Rqmt Prov: OP FOP O-02250, Special Condition No. 15(A)
 Description: Failure to conduct visual inspections as required by federal rule.
 Date: 08/29/2006 (509065) 9

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 Rqmt Prov: OP O-01231 STC No. 10A
 Description: Failure to visually inspected initially and quarterly thereafter to ensure that all containers are closed and gasketed properly.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(b)(1)
 Rqmt Prov: OP O-01231 STC 13
 Description: The Regulated Entity failed to keep the gauging and sampling devices vapor-tight except during gauging or sampling, citing 30 TAC § 115.132(b)(1) / FOP No. O-01231 Permit Provision No. 13 for the reporting period covering, 10/11/2005 to 10/17/2005.

Date: 08/29/2006 (509898) 10

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Rqmt Prov: OP FOP No. O-02238
 Description: Failure to submit a complete deviation report for Title V Federal Operating Permit No. O-02238 for the semi-annual reporting periods of April 19, 2005 through October 18, 2005 and October 19, 2005 through April 18, 2006. Specifically, the deviation reports were inadequate as the probable cause was

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 Rqmt Prov: OP FOP O-02238 Special Term & Condition 10A
 Description: Failure to conduct visual inspections of vacuum trucks during the third quarter (July 1, 2005 through September 30, 2005) as required by applicable federal rule.

Date: 05/31/2007 (575589) 11

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2007 (570744) 12

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20
 30 TAC Chapter 115, SubChapter D 115.322(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 Rqmt Prov: PERMIT Special Condition 24E (2937/PSDTX1023M1)
 OP Special Term & Condition 1A (FOP O-2238)
 Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 115, SubChapter D 115.322(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 Rqmt Prov: PERMIT Special Condition 25E (2937/PSDTX1023M1)
 OP Special Term & Condition 1A (FOP O-2238)
 Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Date: 08/29/2007 (573456) 13

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.322(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: PERMIT Permit No. 2937/PSD-TX-1023, SC 24(l)
 Description: Failure to conduct repairs of leaking components no later than 15 calendar days after they were found to be leaking. Specifically, twenty-two valves on the

following dates: 6/13/2006, 6/14/2006, 6/17/2006, 6/21/2006, 6/23/2006 and 8/29/2006, and three pumps on the following dates: 6/13/2006, 6/23/2006 and 7/31/2006, were found to be leaking.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 113, SubChapter C 113.340 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)		
Description:	Failure to conduct a primary seal inspection on storage tank TK-326 at the end of its 10 year inspection cycle.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)		
Description:	Failure to conduct an initial repair attempt within a 5-day period after a pump (tag no. E16169) located in the EP South Tank Farm Area was detected as leaking on 9/22/2006. The initial repair attempt was due no later than 09/27/2006 and was not performed until 09/28/2006.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)		
Description:	Failure to repair a pump within the 15-day period after it was discovered to be leaking on 6/26/2006. The pump, tag no. O10963, was due to be repaired no later than 7/11/2006. The pump was repaired on 7/24/2006.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)		
Description:	Failure to repair a valve within the 15-day period after it was discovered to be leaking on 6/24/2006. The valve, tag no. O10834, was due to be repaired no later than 7/9/2006. The valve was repaired on 7/12/2006.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.322(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)		
Description:	Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, two open-ended lines located in the South Tank Farm and identified as tag nos.: 17702 and 17713 were not equipped with a cap, blind flange, plug or a second valve as required. The OELs were discovered on 8/30/2006 and 9/13/2006, respectively.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.325(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)		
Description:	Failure to perform equipment calibration and monitoring of components according to test Method 21. Specifically, cylinder standards of 500 parts per million (ppm), 1,000 ppm, 2,000 ppm and 10,000 ppm were passed documented shelf life.		
Date:	08/30/2007 (570541) 14		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)		
Rqmt Prov:	OP O-01750		
Description:	Failure to comply with EPA standards, any applicable NESHAPS promulgated by the EPA pursuant to the Federal Clean Air Act, §112, as amended;		

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	23-Jun-2008	Screening	24-Jul-2008	EPA Due	28-Apr-2009
	PCW	10-Feb-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100211663		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34927	No. of Violations	1
Docket No.	2007-1813-MLM-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 166.0% Enhancement Subtotals 2, 3, & 7 **\$16,600**

Notes: The Respondent has received four 1660 Orders, one Findings Order, one Court Order, three NOV's for the same or similar violations, and eight non-similar NOV's in the past five years.

Culpability No 0.0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$2,500**

Economic Benefit 0.0% Enhancement* Subtotal 6 **\$0**

Total EB Amounts **\$197**
Approx. Cost of Compliance **\$5,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$24,100**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$24,100**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$24,100**

DEFERRAL 0.0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY **\$24,100**

PCW-B
Plant 1

Screening Date 24-Jul-2008

Docket No. 2007-1813-MLM

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100211663

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component **Number of...** **Enter Number Here** **Adjust.**

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 166%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has received four 1660 Orders, one Findings Order, one Court Order, three NOVs for the same or similar violations, and eight non-similar NOVs in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 166%

Screening Date 24-Jul-2008		Docket No. 2007-1813-MLM		PCW		
Respondent Valero Refining-Texas, L.P.		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34927		<small>PCW Revision June 12, 2008</small>				
Reg. Ent. Reference No. RN100211663						
Media [Statute] Air						
Enf. Coordinator Miriam Hall						
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Tex. Health & Safety Code § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 18</div>				
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to maintain compliance with the emission limits, as documented during record reviews conducted on May 27 and June 20, 2008. Specifically, stack testing of the fluidized catalytic cracking unit ("FCCU") Regenerator/CO Boiler Stack (EPN 12-CO-STK) conducted on August 15, 2007 and February 14, 2008 indicated particulate matter emissions of 1.08 and 1.23 pounds ("lbs") per 1,000 lbs of coke burn-off, respectively, with a permit limit of one lb per 1,000 lbs of coke burn-off.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Release		Harm		Percent	
			Major	Moderate		Minor
	Actual					x
	Potential				25%	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	
					0%	
Matrix Notes		<div style="border: 1px solid black; padding: 2px;">Failure to maintain compliance with emission limits has resulted in the release of an insignificant amount of pollutants which do not exceed protective levels.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$7,500</div>	
Violation Events					<div style="border: 1px solid black; padding: 2px;">\$2,500</div>	
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">4</div>	<div style="border: 1px solid black; padding: 2px;">287</div> Number of violation days			
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; padding: 2px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$10,000</div>			
	monthly	<div style="border: 1px solid black; padding: 2px;"></div>				
	quarterly	x				
	semiannual	<div style="border: 1px solid black; padding: 2px;"></div>				
	annual	<div style="border: 1px solid black; padding: 2px;"></div>				
	single event	<div style="border: 1px solid black; padding: 2px;"></div>				
Four quarterly events are recommended (from initial testing date of August 15, 2007 through the compliance date of May 28, 2008).						
Good Faith Efforts to Comply		25.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$2,500</div>		
		Before NOV	NOV to EDPRP/Settlement Offer			
Extraordinary	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>			
Ordinary	x	<div style="border: 1px solid black; padding: 2px;"></div>	<div style="border: 1px solid black; padding: 2px;"></div>			
N/A	<div style="border: 1px solid black; padding: 2px;"></div>	(mark with x)				
Notes	<div style="border: 1px solid black; padding: 2px;">Retesting conducted on May 28, 2008 demonstrated compliance with permit limits.</div>					
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$7,500</div>	
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$197</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$24,100</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$24,100</div>	

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 34927

Reg. Ent. Reference No. RN100211663

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	15-Aug-2007	28-May-2008	0.79	\$197	n/a	\$197

Notes for DELAYED costs

Estimated cost to make repairs and conduct retesting to demonstrate compliance. Date required is the initial date of testing and Final date is when retesting demonstrated compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$197

PCL XL error

Warning: IllegalMediaSource

Compliance History

Customer/Respondent/Owner-Operator:	CN600127468	Valero Refining-Texas, L.P.	Classification: AVERAGE	Rating: 6.12																																																																																																																																																			
Regulated Entity:	RN100211663	VALERO CORPUS CHRISTI REFINERY EAST PLANT	Classification: AVERAGE	Site Rating: 11.43																																																																																																																																																			
ID Number(s):	<table><tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0043A</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1231</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2238</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2239</td></tr><tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>2250</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0000465000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0006904000</td></tr><tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0006904</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0476L</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>71884</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>NE0043A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1084</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1085</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1152</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2937</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>9344</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>10923</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11456</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>11652</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>13764</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2180A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3477</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3783</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5285A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5487A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>5488A</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>16859</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>21656</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>21563</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>22390</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>30275</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>41936</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>46768</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>75588</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4835500177</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4835500018</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>72781</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX1023M1</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX1023</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>78472</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>78481</td></tr><tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>84566</td></tr><tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # 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Location:	1300 CANTWELL LN, CORPUS CHRISTI, TX, 78407		Rating Date: 9/1/2007 Repeat Violator: NO																																																																																																																																																				
TCEQ Region:	REGION 14 - CORPUS CHRISTI																																																																																																																																																						
Date Compliance History Prepared:	June 12, 2008																																																																																																																																																						
Agency Decision Requiring Compliance History:	Enforcement																																																																																																																																																						

CH-B

Compliance Period:

June 12, 2003 to June 12, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble

Phone: 361-825-3126

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Valero Refining-Texas, L.P.
Coastal Refining & Marketing, Inc.
4. If Yes, who was/were the prior owner(s)? Coastal Refining and Marketing Inc
5. When did the change(s) in ownership occur? 11/08/2004

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/16/2003

ADMINORDER 2002-1055-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SC 1 PERMIT

Description: Failure to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.11 for emissions resulting from an upset event 11/2/01.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

Description: Failure to prevent visible emissions from a gas flare for a duration of less than five minutes in a two hour period during an upset event on 11/2/01

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

Description: Failure to provide notification of reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 21, 2002 and February 7, 2003, within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Vacuum Jet Compressor during eleven emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: TCEQ Permit 6797 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Ingersoll Rand (IR) Compressor during an emissions event on June 27, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: TCEQ Permit 21655 PA

Description: Failure to obtain regulatory authority for, or satisfy all of the demonstration criteria to exempt from compliance limitations, emissions involving the Sulfur Recovery Unit Incinerator during an emissions event which started on June 20, 2002 and ended on June 24, 2002.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failure to provide rule required information in the notification of a reportable emissions, released as a result of emissions events at the Vacuum Jet Compressor on September 23, 2003, to the commission's regional office within 24 hours of discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)

Rqmt Prov: General Conditions PA

Description: Failure to obtain regulatory authority for, or satisfy all demonstration criteria to exempt from compliance limitations, the emissions (including approximately 3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on September 23, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

Rqmt Prov: 6797 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and (c) and obtain regulatory authority for the emissions (including approximately 89 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during emissions events and scheduled activities.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

Description: Failure to prevent emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties from exceeding a net ground level concentration of 0.80 parts per million averaged over a 30-minute period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: SC 1 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and obtain regulatory authority for the emissions (including approximately 6.3 tons of sulfur dioxide) that were released from the Vacuum Jet Compressor facility during an emissions event on or about May 5, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from exceeding the required limit, as reported on January 21, 2004 in incident 33605.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ Corpus Christi Region Office within twenty four hours after the discovery of a reportable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to satisfy all demonstrations criteria in 30 TAC §101.222(b) and gain an affirmative defense for the unauthorized emissions that were released during TCEQ incident 37739.

Classification: Moderate

Rqmt Prov: Provision No. 3 PERMIT

Description: Failed to prevent the discharge of floating solids and visible foam in other than trace amounts at Outfall 001.

Effective Date: 12/30/2005

ADMINORDER 2001-1023-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred 7/2/00 - 7/7/00.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain complete records regarding upset event that occurred on 9/8/2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset events that occurred on 7/2/00 thru 7/7/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset that occurred on 9/26/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from upset event that occurred on 9/26/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. obtain regulatory auth. or meet demonstration requirements of 30TAC101.11 for emissions resulting from 20 upset events at crude & vacuum unit.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain flare observation log for 4 flares for may & june 2000. & for east plt. main flare for december 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)(2)
30 TAC Chapter 115, SubChapter B 115.114(b)(3)
30 TAC Chapter 115, SubChapter B 115.114(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. visually inspect or physically measure secondary seal gaps of vessels numbered 84, 98, 100, 151, 153, 355 & 358 at least once every 12 months during calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.322(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. mark applicable pipeline valves & pressure relief valves in gaseous VOC serv. in manner readily obvious to monitoring personnel.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.324(1)(C)
30 TAC Chapter 115, SubChapter D 115.326(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. measure emissions from all affected process drains on yearly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.325(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)

Rqmt Prov: SC 11 & 12 PERMIT
SC 13F PERMIT
SC 16F & 16G PERMIT
SC 1F & 1G PERMIT
SC 3F & 3G PERMIT
SC 5 & 6 PERMIT
SC 5F, 5G & 6 PERMIT
SC 6 PERMIT
SC4 PERMIT

Description: Fail. properly conduct test method 21.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.326(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit monitoring program plan which includes list of refinery units & quarter in which they will be monitored copy of log book format & make & model of monitoring equip. to be used.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.327(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit required compliance plan & start up notification before #2 reformer at Quintana plt. was re-started in 1/2001.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC13 PERMIT
SC29E PERMIT

Description: Fail. submit accurate summ.rpt. for SRU#1 for 3rd qurtr. cal. yr. 1999(3Q99)&for SRU#1 &SRU #2 for 2Q00 &fail. to submit CMS EER for 1Q97,2Q97,4Q98 &2Q99 for fuel gas hydrogen sulfide content 3Q00 SRU#1 S02 emissions,3Q97 &1Q00 co-gen.unit NOX emiss.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. submit rpt. at least semi-annual cert. indicating whether any changes were made in
opers. SRU#1 & SRU#2 emission control system when SO2 data wasn't available from CEMS.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart NNN 60.665(a)
40 CFR Part 60, Subpart NNN 60.665(d)

Description: Fail. submit notification indicating method of compliance w/ 40CFR60.662 & fail. provide
records of flow rates & semi-annual rpts. as required.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11A PERMIT
SC13A PERMIT
SC16A PERMIT
SC3A PERMIT
SC4A PERMIT
SC5A & 6A PERMIT

Description: Fail. provide records of throughput and service and emission control tanks
repairs/replacements.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11F PERMIT
SC16F PERMIT
SC4F PERMIT
SC6F PERMIT
SCF5 PERMIT

Description: Fail. utilize directed maintenance program to monitor accessible valves.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SP 8D, 8E & 8F PERMIT

Description: Fail. maintain record of semi-annual & yr.-to-date emissions calculations for annual &
short-term emissions for vessels.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC1 PERMIT

Description: Fail to produce, upon request, proper records of CO emissions.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC8 PERMIT

Description: Failed to include emissions from the CO boiler and the collapse of the roof of storage vessel
no. 352 in teh EIU for calendar year 1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. maintain emissions of CO, VOC & PM at or below allowable emission limits for reactor
heater 3-H-3 for calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Fail. comply w/ required fuel rate limit for reactor heater 3-H-3 from 10/1999 - 6/2000 &
8/2000

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC8A PERMIT

Description: Fail. properly maintain records of fuel throughput for reactor heater 3-H-3.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC7 PERMIT

Description: Fail. report results of annual test runs to confirm accuracy of weekly sampling procedures of SC4 of TNRCC air permit #3784A for 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Fail. maintain emissions of VOC, NOx & CO at or below allowable emission limits for #2 reformer flare REF2FL1 for calendar yrs. 1999 & 2000 and misrepresentation of these emissions in 1/22/92 permit app..

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC5 PERMIT

Description: Fail. maintain records of daily avg. fuel gas usage for heater QL-10.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Fail. maintain emissions of CO at or below allowable emission limits for heater QH-125 for calendar yrs. 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

Description: Fail. maintain emissions of VOC at or below allowable emission limits for heater Q10-H-1 for calendar yr. 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC6 PERMIT

Description: Fail. comply w/ required feed rate limit for heater Q10-H-1 for 12/1999.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4 PERMIT

Description: Fail. comply w/ required hourly firing rate limit for heater 8-H-6 from 1/1 to 5/27, 6/3 to 6/18, 7/3 to 7/6 & 7/21 to 9/9, 1999; and fail. comply w/ required hourly firing rate limit for heaters 8-H-3 & 8-H-5 for 17 hrs. between 1/22 & 4/21, 1999.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC11E PERMIT

Description: Fail. manually switch CEMS monitor between stacks cogen-1 & cogen-2 every 3 months during calendar yrs. 1999 & 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 OP

Description: Failure to produce on request records of VOC emission levels for for Coker Heater 7-H-2 for calendar year 1999 and for emission levels of VOCs, PM and CO for calendar year 2000

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: misrepresented the West Plant Flare as an emergency flare instead of a process flare

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC18 OP

Description: failed to complete all samples required for cooling water VOC leak detection sampling

Effective Date: 08/23/2007

ADMINORDER 2007-0131-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ 2937 / SC 1 PA

Description: Failure to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense against penalties for unauthorized emissions that were released from the No. 4 Vacuum Unit during an emissions event (TCEQ STEERS No. 75676) which occurred on or about May 10, 2006.

Effective Date: 11/19/2007

ADMINORDER 2006-0468-MLM-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the discharge of slop oil and wastewater to the environment, as documented during an investigation conducted on June 20, 2006. Specifically, the investigator documented that a spill of hazardous wastewater occurred from Tank 109 into the earthen dike surrounding the tank on June 1, 2006, and the contaminated soils in the earthen dike had not been removed and properly disposed.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: TCEQ Water Quality Permit No. 00465 PERMIT

Description: Failed to report any noncompliance which may endanger human health, safety, or the environment within 24 hours of becoming aware of the noncompliance, as documented during an investigation conducted on June 20, 2006. Specifically, Valero did not submit notification of the overflow of slop oil and hazardous wastewater from Tank 109.

Effective Date: 04/14/2008

ADMINORDER 2007-1189-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No.: 2937 PERMIT
PSD-TX-1023M1 PERMIT

Description: This permit authorizes emissions only from those points listed in the attached table entitled "Emission Sources - Emission Caps and Individual Emission Limitations".

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/16/2003	(159893)
2	06/19/2003	(114250)
3	06/25/2003	(36014)
4	07/24/2003	(159897)
5	08/18/2003	(296115)
6	08/28/2003	(29654)
7	09/22/2003	(296117)
8	10/21/2003	(296119)
9	11/21/2003	(296120)
10	12/16/2003	(147906)
11	12/17/2003	(258116)
12	12/22/2003	(296121)
13	01/06/2004	(251552)
14	01/20/2004	(296123)
15	02/17/2004	(332781)
16	02/18/2004	(296104)
17	03/19/2004	(296107)
18	03/26/2004	(265025)
19	03/26/2004	(265011)
20	04/15/2004	(258186)
21	04/22/2004	(296108)
22	05/17/2004	(265353)
23	05/18/2004	(296110)
24	06/07/2004	(274416)

25	06/15/2004	(269771)
26	06/21/2004	(296112)
27	06/22/2004	(270344)
28	06/30/2004	(277545)
29	06/30/2004	(277770)
30	07/20/2004	(352431)
31	08/19/2004	(352432)
32	08/27/2004	(289772)
33	08/31/2004	(267107)
34	09/13/2004	(352433)
35	10/07/2004	(292867)
36	10/21/2004	(352434)
37	10/21/2004	(334534)
38	11/23/2004	(352435)
39	11/30/2004	(342556)
40	11/30/2004	(342509)
41	12/06/2004	(342868)
42	12/22/2004	(381980)
43	12/28/2004	(345193)
44	01/14/2005	(381981)
45	02/10/2005	(342544)
46	02/22/2005	(381978)
47	03/18/2005	(381979)
48	04/11/2005	(350299)
49	04/15/2005	(373717)
50	04/19/2005	(430046)
51	05/23/2005	(430047)
52	06/02/2005	(394325)
53	06/02/2005	(394464)
54	06/21/2005	(430048)
55	06/27/2005	(375543)
56	07/05/2005	(397974)
57	07/09/2005	(397621)
58	07/15/2005	(397268)
59	07/20/2005	(430049)
60	08/19/2005	(440955)
61	08/19/2005	(405862)
62	08/24/2005	(402929)
63	08/30/2005	(418769)
64	09/19/2005	(440956)
65	10/14/2005	(433213)
66	10/24/2005	(440957)
67	10/25/2005	(432976)
68	11/17/2005	(403617)
69	11/21/2005	(468638)
70	12/21/2005	(468639)
71	12/21/2005	(439798)
72	01/23/2006	(468640)
73	01/28/2006	(453260)
74	02/08/2006	(453776)
75	02/22/2006	(468635)
76	03/20/2006	(468637)
77	03/28/2006	(458315)
78	04/19/2006	(462919)
79	04/24/2006	(498341)
80	05/08/2006	(465221)
81	05/08/2006	(464657)
82	05/23/2006	(498342)
83	05/25/2006	(479708)
84	06/06/2006	(480816)
85	06/19/2006	(465775)
86	06/21/2006	(498343)
87	07/07/2006	(485108)
88	07/10/2006	(462991)
89	07/19/2006	(481002)
90	07/20/2006	(498344)
91	08/18/2006	(520356)
92	08/22/2006	(483293)

93	08/29/2006	(488424)
94	08/29/2006	(509898)
95	08/30/2006	(509065)
96	09/13/2006	(510965)
97	09/19/2006	(520357)
98	10/16/2006	(511059)
99	10/20/2006	(544689)
100	11/16/2006	(544690)
101	11/30/2006	(531095)
102	12/05/2006	(532536)
103	12/06/2006	(532499)
104	12/19/2006	(544691)
105	12/20/2006	(511278)
106	01/08/2007	(533142)
107	01/19/2007	(532903)
108	01/22/2007	(544692)
109	01/26/2007	(537711)
110	01/26/2007	(534329)
111	02/05/2007	(517485)
112	02/08/2007	(538991)
113	02/20/2007	(575585)
114	02/21/2007	(541385)
115	02/26/2007	(533896)
116	03/16/2007	(553836)
117	03/20/2007	(575588)
118	04/23/2007	(575587)
119	05/21/2007	(575588)
120	06/04/2007	(540935)
121	06/22/2007	(575589)
122	06/29/2007	(554747)
123	07/18/2007	(575590)
124	07/27/2007	(564471)
125	08/01/2007	(565791)
126	08/20/2007	(607581)
127	08/20/2007	(563339)
128	08/21/2007	(562042)
129	08/22/2007	(570744)
130	08/28/2007	(573456)
131	08/29/2007	(573753)
132	08/29/2007	(573754)
133	08/29/2007	(573755)
134	08/30/2007	(570541)
135	08/31/2007	(567701)
136	09/14/2007	(594164)
137	09/21/2007	(607582)
138	10/09/2007	(595753)
139	10/19/2007	(597755)
140	10/19/2007	(619627)
141	10/22/2007	(597742)
142	10/31/2007	(599527)
143	10/31/2007	(598205)
144	11/09/2007	(599099)
145	11/14/2007	(598476)
146	11/20/2007	(619628)
147	12/12/2007	(610539)
148	12/12/2007	(609425)
149	12/17/2007	(611173)
150	12/19/2007	(619629)
151	12/21/2007	(612065)
152	01/17/2008	(672155)
153	01/25/2008	(614986)
154	02/15/2008	(618558)
155	02/21/2008	(672153)
156	02/22/2008	(636427)
157	02/28/2008	(636485)
158	03/03/2008	(637496)
159	03/20/2008	(672154)
160	03/31/2008	(640957)

161 04/08/2008 (636416)
 162 04/14/2008 (641040)
 163 05/05/2008 (654417)
 164 05/22/2008 (670929)
 165 05/23/2008 (680306)
 166 05/28/2008 (671660)
 167 05/30/2008 (654560)
 168 05/30/2008 (657246)
 169 05/30/2008 (641327)
 170 05/31/2008 (532287)
 171 06/10/2008 (641355)
 172 06/12/2008 (636082)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/17/2004 (332781)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 08/19/2004 (289772)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Description: Failure to prevent visible emissions from the flare (EPN: EP-FLARE1) from
 exceeding the required limit, as reported on January 21, 2004 in incident 33605.
 Date: 01/31/2006 (468635)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/23/2006 (488424)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.340
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(i)
 Description: Failure to maintain records as required by applicable federal rule.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.130
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
 Description: Failure to conduct required monthly monitoring of six pumps.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 Rqmt Prov: OP FOP O-02250, Special Condition No. 15(A)
 Description: Failure to conduct visual inspections as required by federal rule.
 Date: 08/29/2006 (509065)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
 Rqmt Prov: OP O-01231 STC No. 10A
 Description: Failure to visually inspected initially and quarterly thereafter to ensure that all
 containers are closed and gasketed properly.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(b)(1)
 Rqmt Prov: OP O-01231 STC 13
 Description: The Regulated Entity failed to keep the gauging and sampling devices vapor-tight
 except during gauging or sampling, citing 30 TAC § 115.132(b)(1) / FOP No.
 O-01231 Permit Provision No. 13 for the reporting period covering, 10/11/2005 to
 10/17/2005.
 Date: 08/29/2006 (509898)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Rqmt Prov: OP FOP No. O-02238
 Description: Failure to submit a complete deviation report for Title V Federal Operating Permit
 No. O-02238 for the semi-annual reporting periods of April 19, 2005 through
 October 18, 2005 and October 19, 2005 through April 18, 2006. Specifically, the

deviation reports were inadequate as the probable cause was

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)

Rqmt Prov: OP FOP O-02238 Special Term & Condition 10A

Description: Failure to conduct visual inspections of vacuum trucks during the third quarter (July 1, 2005 through September 30, 2005) as required by applicable federal rule.

Date: 05/31/2007 (575589)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/24/2007 (570744)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: PERMIT Special Condition 24E (2937/PSDTX1023M1)
OP Special Term & Condition 1A (FOP O-2238)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.322(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT Special Condition 25E (2937/PSDTX1023M1)
OP Special Term & Condition 1A (FOP O-2238)

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. According to the TCEQ Enforcement Initiation Criteria, this is a Category C violation, Subcategory 10.

Date: 08/29/2007 (573456)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.322(2)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PERMIT Permit No. 2937/PSD-TX-1023, SC 24(I)

Description: Failure to conduct repairs of leaking components no later than 15 calendar days after they were found to be leaking. Specifically, twenty-two valves on the following dates: 6/13/2006, 6/14/2006, 6/17/2006, 6/21/2006, 6/23/2006 and 8/29/2006, and three pumps on the following dates: 6/13/2006, 6/23/2006 and 7/31/2006, were found to be leaking.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)

Description: Failure to conduct a primary seal inspection on storage tank TK-326 at the end of its 10 year inspection cycle.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)

Description: Failure to conduct an initial repair attempt within a 5-day period after a pump (tag no. E16169) located in the EP South Tank Farm Area was detected as leaking on 9/22/2006. The initial repair attempt was due no later than 09/27/2006 and was not performed until 09/28/2006.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)		
Description:	Failure to repair a pump within the 15-day period after it was discovered to be leaking on 6/26/2006. The pump, tag no. O10963, was due to be repaired no later than 7/11/2006. The pump was repaired on 7/24/2006.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)		
Description:	Failure to repair a valve within the 15-day period after it was discovered to be leaking on 6/24/2006. The valve, tag no. O10834, was due to be repaired no later than 7/9/2006. The valve was repaired on 7/12/2006.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.322(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)		
Description:	Failure to properly operate or equip each open-ended line (OELs) with a cap, blind flange, plug or a second valve. Specifically, two open-ended lines located in the South Tank Farm and identified as tag nos.: 17702 and 17713 were not equipped with a cap, blind flange, plug or a second valve as required. The OELs were discovered on 8/30/2006 and 9/13/2006, respectively.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.325(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)		
Description:	Failure to perform equipment calibration and monitoring of components according to test Method 21. Specifically, cylinder standards of 500 parts per million (ppm), 1,000 ppm, 2,000 ppm and 10,000 ppm were passed documented shelf life.		
Date:	08/30/2007 (570541)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-2(c)		
Rqmt Prov:	OP O-01750		
Description:	Failure to comply with EPA standards, any applicable NESHAPS promulgated by the EPA pursuant to the Federal Clean Air Act, §112, as amended;		
Date:	10/31/2007 (619628)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	9-Apr-2007	Screening	16-Apr-2007	EPA Due	31-Dec-2007
	PCW	13-Feb-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.		
Reg. Ent. Ref. No.	RN100238385		
Facility/Site Region	R12	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34927	No. of Violations	4	
Docket No.	2007-1813--MLM-E	Order Type	Findings	
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales	
Multi-Media		EC's Team	5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$35,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 199% Enhancement Subtotals 2, 3, & 7 **\$69,650**

Notes

Penalty enhancement due to 16 same or similar NOV's, five unrelated NOV's, 17 self-reported effluent discharge violations, one agreed order with denial, one agreed order without denial, and one court order with denial.

Culpability

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement

Subtotal 6 **\$0**

Total EB Amounts \$67

Approx. Cost of Compliance \$21,300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$104,650**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$104,650**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$50,000**

DEFERRAL

0% Reduction

Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$50,000

PCW-C

Plant 2

Screening Date 16-Apr-2007

Docket No. 2007-1813--MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	16	80%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 199%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to 16 same or similar NOVs, five unrelated NOVs, 17 self-reported effluent discharge violations, one agreed order with denial, one agreed order without denial, and one court order with denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 199%

Screening Date 16-Apr-2007

Docket No. 2007-1813--MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit. Specifically, during the December 11, 2006 emissions event the following unauthorized emissions were released from the Alkylation Unit and the No. 1, 2, 3, and 4 Flare Stacks over a period of 33 hours and 30 minutes: 18,329 pounds ("lbs") of sulfur dioxide, 11,798 lbs of volatile organic compounds, and 6,229.90 lbs of carbon monoxide. Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to a significant amount of pollutants which exceeded levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	x
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$20,000

Two daily events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$59,800

This violation Final Assessed Penalty (adjusted for limits) \$20,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 34927
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$12,000	11-Dec-2006	31-Dec-2006	0.1	\$33	n/a	\$33

Notes for DELAYED costs

Estimated cost to utilize an external maintenance bypass on the power supply, enhance the power supply labeling, install a back-up power connection, and implement a practice of performing job reviews prior to conducting maintenance on the power supply, for the purpose of preventing the recurrence of emissions events caused by the inadvertent disconnection of circuit breakers during routine preventative maintenance activities. Date required based on the date of the emissions event. Final date based on the date all corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$12,000

TOTAL

\$33

Screening Date 16-Apr-2007

Docket No. 2007-1813--MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit. Specifically, during the January 19, 2007 emissions event 8,844.40 lbs of unauthorized sulfur dioxide emissions were released from Drum D-157 over a period of two hours. Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an significant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$14,950

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 34927
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$9,100	19-Jan-2007	15-Feb-2007	0.1	\$34	n/a	\$34

Notes for DELAYED costs

Estimated cost to install a methanol injection system for the purpose of preventing the recurrence of an emissions event caused by plugging of the inlet line of Drum D-157 as a result of the formation of hydrates in the Deethanizer A-107 overhead line. Date required based on the date of the emissions event. Final date based on the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$9,100

TOTAL

\$34

Screening Date 16-Apr-2007

Docket No. 2007-1813--MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1, 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a January 28, 2007 emissions event in the Saturates Gas Plant. Specifically, during the January 28, 2007 emissions event the following unauthorized emissions were released from Drum-465 over a period of 11 hours and 15 minutes: 8,876.20 lbs of sulfur dioxide and 354.90 lbs of propane. Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to an significant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,950

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P.

Case ID No.: 34927

Reg. Ent. Reference No.: RN100238385

Media: Air

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation included in Violation No. 2 since the emissions events were due to the same cause.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 16-Apr-2007

Docket No. 2007-1813--MLM-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 34927

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s) Air Permit No. 39142, Special Condition No. 1; 30 Tex. Admin. Code § 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit. Specifically, during the March 4, 2007 emissions event the following unauthorized emissions were released from Flare Nos. 2 and 3 over a period of 17 hours and 44 minutes: 10,139.40 lbs of sulfur dioxide, 984.80 lbs of carbon monoxide, 476.10 lbs of propane, 122.70 lbs of nitrogen monoxide, 109.90 lbs of hydrogen sulfide, 81.20 lbs of butane, 56.70 lbs of isopentane, 53.80 lbs of ethylene, 10.6 lbs of nitrogen dioxide, 5.6 lbs of butene, and 2.9 lbs of trans-2-butene. Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to a significant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$14,950

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 34927
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	4-Mar-2007	10-Mar-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to make adjustments on the methanol injection pump internal relief valves setting for the purpose of preventing the recurrence of emissions events caused by an incorrect pressure setting on the methanol injection system's internal relief valve. Date required based on the date of the emissions event. Final date based on date all corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN600127468 Valero Refining-Texas, L.P. Classification: AVERAGE Rating: 8.36
 Regulated Entity: RN100238385 VALERO REFINING TEXAS CITY Classification: AVERAGE Site Rating: 3.74
 REFINERY

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
	AIR OPERATING PERMITS	PERMIT	1253
	AIR OPERATING PERMITS	PERMIT	2599
	AIR OPERATING PERMITS	PERMIT	2599
	WASTEWATER	PERMIT	WQ0000449000
	WASTEWATER	PERMIT	TPDES0006009
	WASTEWATER	PERMIT	TX0006009
	AIR NEW SOURCE PERMITS	PERMIT	39142
	AIR NEW SOURCE PERMITS	PERMIT	42395
	AIR NEW SOURCE PERMITS	PERMIT	42394
	AIR NEW SOURCE PERMITS	PERMIT	48330
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
	AIR NEW SOURCE PERMITS	PERMIT	962
	AIR NEW SOURCE PERMITS	PERMIT	8352
	AIR NEW SOURCE PERMITS	PERMIT	8617A
	AIR NEW SOURCE PERMITS	PERMIT	53530
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
	AIR NEW SOURCE PERMITS	AFS NUM	4816700007
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
	AIR NEW SOURCE PERMITS	PERMIT	71076
	AIR NEW SOURCE PERMITS	REGISTRATION	75542
	AIR NEW SOURCE PERMITS	REGISTRATION	75695
	AIR NEW SOURCE PERMITS	REGISTRATION	72517
	AIR NEW SOURCE PERMITS	REGISTRATION	73799
	AIR NEW SOURCE PERMITS	REGISTRATION	76530
	AIR NEW SOURCE PERMITS	REGISTRATION	76967
	AIR NEW SOURCE PERMITS	REGISTRATION	77806
	AIR NEW SOURCE PERMITS	REGISTRATION	79850
	AIR NEW SOURCE PERMITS	REGISTRATION	79881
	AIR NEW SOURCE PERMITS	REGISTRATION	80059
	AIR NEW SOURCE PERMITS	REGISTRATION	80132
	AIR NEW SOURCE PERMITS	REGISTRATION	80581
	AIR NEW SOURCE PERMITS	REGISTRATION	81005
	AIR NEW SOURCE PERMITS	REGISTRATION	81523
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
	WASTE WATER GENERAL PERMIT	PERMIT	TXG670007

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: April 16, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 09, 2002 to April 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/11/2005

Classification: Moderate

ADMINORDER 2002-1217-IWD-E 1

CH-C

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Reqs PERMIT
Description: Failure to comply with the WET limit NOEC of 8% effluent specified in the permit.

Effective Date: 11/23/2005

COURTORDER 1

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT
Description: Failed to prevent a leak in a heat exchanger (E-1338).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT
Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA
Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT
Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006

ADMINORDER 2006-0549-IWD-E 2

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/22/2002	(158489)
2	05/23/2002	(158493)
3	05/30/2002	(1857)
4	06/21/2002	(2243)
5	06/21/2002	(2455)
6	06/21/2002	(2142)
7	06/21/2002	(1453)
8	06/21/2002	(2442)
9	06/24/2002	(2874)
10	06/24/2002	(158497)
11	06/28/2002	(2926)
12	07/19/2002	(1982)
13	07/22/2002	(158501)
14	07/30/2002	(2222)
15	08/01/2002	(6128)
16	08/02/2002	(6695)
17	08/07/2002	(IE0018603001002)
18	08/19/2002	(5341)
19	08/20/2002	(4926)
20	08/23/2002	(158505)
21	08/24/2002	(4916)
22	08/28/2002	(5435)
23	08/28/2002	(5452)
24	08/28/2002	(5429)
25	08/28/2002	(5447)
26	08/28/2002	(5466)
27	08/28/2002	(5451)
28	08/28/2002	(5456)
29	08/28/2002	(5434)
30	08/28/2002	(5459)
31	08/31/2002	(7607)
32	08/31/2002	(7756)
33	08/31/2002	(4899)
34	09/23/2002	(158509)
35	09/26/2002	(10851)
36	10/04/2002	(13258)
37	10/16/2002	(12826)
38	10/21/2002	(158512)
39	11/07/2002	(4910)
40	11/18/2002	(158516)

41	12/20/2002	(158520)
42	01/16/2003	(17965)
43	01/21/2003	(158524)
44	01/31/2003	(21539)
45	02/13/2003	(24351)
46	02/18/2003	(158482)
47	02/24/2003	(6655)
48	03/24/2003	(158485)
49	04/16/2003	(24233)
50	04/16/2003	(24831)
51	04/21/2003	(158490)
52	05/06/2003	(27702)
53	05/09/2003	(35604)
54	05/23/2003	(158494)
55	05/27/2003	(35847)
56	05/27/2003	(34689)
57	05/27/2003	(35995)
58	05/27/2003	(34681)
59	05/28/2003	(34893)
60	05/30/2003	(37806)
61	05/30/2003	(37838)
62	05/30/2003	(37791)
63	06/19/2003	(36509)
64	06/19/2003	(36515)
65	06/24/2003	(158506)
66	06/24/2003	(158498)
67	06/25/2003	(37826)
68	06/25/2003	(35521)
69	07/02/2003	(60623)
70	07/22/2003	(158502)
71	08/06/2003	(143528)
72	08/19/2003	(148080)
73	08/23/2003	(60572)
74	08/25/2003	(143078)
75	08/28/2003	(149898)
76	09/25/2003	(295526)
77	10/16/2003	(152454)
78	10/16/2003	(152211)
79	10/21/2003	(250278)
80	10/23/2003	(295528)
81	11/21/2003	(295529)
82	12/29/2003	(295530)
83	12/29/2003	(295532)
84	02/23/2004	(295513)
85	02/25/2004	(261619)
86	02/27/2004	(263268)
87	02/29/2004	(251270)
88	03/02/2004	(254943)
89	03/10/2004	(261338)
90	03/16/2004	(265447)
91	03/16/2004	(261251)
92	03/19/2004	(295517)
93	04/21/2004	(295518)
94	05/20/2004	(295520)
95	05/21/2004	(268720)
96	05/21/2004	(268709)
97	06/02/2004	(268446)
98	06/11/2004	(270014)
99	06/17/2004	(295522)
100	06/18/2004	(272120)
101	07/02/2004	(272940)
102	07/02/2004	(271086)
103	07/02/2004	(271249)
104	07/02/2004	(272143)
105	07/02/2004	(271833)
106	07/05/2004	(271296)
107	07/16/2004	(272858)

108	07/20/2004	(273783)
109	07/22/2004	(257997)
110	07/26/2004	(352180)
111	07/30/2004	(274385)
112	07/30/2004	(278540)
113	07/30/2004	(274350)
114	08/03/2004	(286886)
115	08/04/2004	(276497)
116	08/06/2004	(258328)
117	08/13/2004	(261714)
118	08/13/2004	(261538)
119	08/16/2004	(282158)
120	08/16/2004	(280377)
121	08/17/2004	(289843)
122	08/17/2004	(258260)
123	08/24/2004	(352181)
124	08/28/2004	(264976)
125	08/31/2004	(268711)
126	08/31/2004	(269258)
127	08/31/2004	(270855)
128	08/31/2004	(271300)
129	09/01/2004	(291403)
130	09/01/2004	(289773)
131	09/15/2004	(334014)
132	09/23/2004	(352182)
133	10/19/2004	(334137)
134	10/22/2004	(352183)
135	10/27/2004	(289067)
136	11/11/2004	(281257)
137	11/12/2004	(281637)
138	11/12/2004	(283676)
139	11/12/2004	(281714)
140	11/12/2004	(281823)
141	11/15/2004	(337390)
142	11/18/2004	(352184)
143	12/10/2004	(285390)
144	12/13/2004	(340262)
145	12/13/2004	(290035)
146	12/14/2004	(281320)
147	12/14/2004	(334546)
148	12/14/2004	(338676)
149	12/14/2004	(334780)
150	12/16/2004	(281398)
151	12/16/2004	(283937)
152	12/17/2004	(338870)
153	12/20/2004	(381870)
154	12/20/2004	(281999)
155	12/23/2004	(339913)
156	12/28/2004	(281856)
157	01/03/2005	(281991)
158	01/04/2005	(282000)
159	01/04/2005	(281998)
160	01/04/2005	(338922)
161	01/06/2005	(346230)
162	01/06/2005	(285581)
163	01/10/2005	(339417)
164	01/10/2005	(339003)
165	01/10/2005	(281993)
166	01/10/2005	(281997)
167	01/12/2005	(339012)
168	01/24/2005	(345619)
169	01/24/2005	(381871)
170	01/31/2005	(285435)
171	02/14/2005	(274930)
172	02/22/2005	(381868)
173	03/22/2005	(381869)
174	03/31/2005	(350576)

175	04/25/2005	(419706)
176	04/26/2005	(343243)
177	04/26/2005	(281994)
178	04/27/2005	(282002)
179	05/02/2005	(350537)
180	05/02/2005	(349631)
181	05/20/2005	(348483)
182	05/23/2005	(419707)
183	05/25/2005	(351133)
184	06/14/2005	(373350)
185	06/14/2005	(378741)
186	06/14/2005	(419708)
187	06/23/2005	(378628)
188	06/27/2005	(397418)
189	06/28/2005	(348790)
190	06/30/2005	(397555)
191	07/07/2005	(399131)
192	07/13/2005	(399194)
193	07/15/2005	(348789)
194	07/22/2005	(440845)
195	07/22/2005	(397707)
196	08/02/2005	(348759)
197	08/03/2005	(403276)
198	08/03/2005	(403101)
199	08/08/2005	(403521)
200	08/08/2005	(403525)
201	08/10/2005	(396623)
202	08/13/2005	(400189)
203	08/13/2005	(397699)
204	08/17/2005	(400929)
205	08/18/2005	(406027)
206	08/19/2005	(396740)
207	08/22/2005	(406017)
208	08/23/2005	(440846)
209	08/24/2005	(400925)
210	08/29/2005	(406800)
211	09/01/2005	(400337)
212	09/23/2005	(440847)
213	10/20/2005	(468457)
214	11/22/2005	(468458)
215	12/06/2005	(438942)
216	12/20/2005	(468459)
217	12/28/2005	(449585)
218	12/29/2005	(439223)
219	12/29/2005	(449459)
220	01/17/2006	(431818)
221	01/24/2006	(468460)
222	01/30/2006	(440131)
223	02/01/2006	(451967)
224	02/15/2006	(439989)
225	02/17/2006	(468454)
226	02/17/2006	(439355)
227	02/21/2006	(455248)
228	03/16/2006	(455002)
229	03/21/2006	(468455)
230	03/29/2006	(453666)
231	03/31/2006	(434168)
232	04/13/2006	(468456)
233	04/26/2006	(457610)
234	04/27/2006	(460539)
235	05/08/2006	(453710)
236	05/11/2006	(461750)
237	05/15/2006	(462815)
238	05/17/2006	(464808)
239	05/18/2006	(498220)
240	05/25/2006	(457878)
241	05/31/2006	(463733)

242	06/16/2006	(498221)
243	06/27/2006	(481343)
244	06/30/2006	(483867)
245	06/30/2006	(462803)
246	06/30/2006	(481516)
247	06/30/2006	(462898)
248	07/06/2006	(482247)
249	07/14/2006	(486365)
250	07/15/2006	(486391)
251	07/17/2006	(479861)
252	07/18/2006	(498222)
253	07/19/2006	(483715)
254	07/19/2006	(483638)
255	07/19/2006	(482178)
256	07/21/2006	(487892)
257	07/21/2006	(487175)
258	07/21/2006	(487390)
259	07/25/2006	(488179)
260	07/26/2006	(462901)
261	07/26/2006	(482594)
262	08/10/2006	(520234)
263	08/25/2006	(488734)
264	09/01/2006	(509756)
265	09/01/2006	(488032)
266	09/01/2006	(488541)
267	09/01/2006	(489837)
268	09/01/2006	(489434)
269	09/01/2006	(487342)
270	09/01/2006	(489815)
271	09/01/2006	(466736)
272	09/01/2006	(488559)
273	09/01/2006	(488176)
274	09/01/2006	(488979)
275	09/01/2006	(509730)
276	09/01/2006	(478491)
277	09/01/2006	(488624)
278	09/01/2006	(478556)
279	09/01/2006	(488740)
280	09/01/2006	(488134)
281	09/01/2006	(490185)
282	09/01/2006	(488020)
283	09/01/2006	(508690)
284	09/01/2006	(488633)
285	09/01/2006	(489467)
286	09/01/2006	(488191)
287	09/01/2006	(509784)
288	09/01/2006	(466735)
289	09/01/2006	(478638)
290	09/01/2006	(489863)
291	09/01/2006	(509713)
292	09/01/2006	(487896)
293	09/01/2006	(509158)
294	09/01/2006	(489866)
295	09/18/2006	(520235)
296	09/27/2006	(512555)
297	09/28/2006	(509876)
298	10/11/2006	(514061)
299	10/19/2006	(520236)
300	10/23/2006	(512981)
301	10/31/2006	(517239)
302	11/07/2006	(516594)
303	11/13/2006	(518837)
304	11/15/2006	(519473)
305	11/15/2006	(544546)
306	11/21/2006	(519775)
307	12/13/2006	(544547)
308	12/18/2006	(345058)

309 12/21/2006 (532369)
 310 12/21/2006 (532370)
 311 01/16/2007 (534075)
 312 01/19/2007 (532751)
 313 01/19/2007 (544548)
 314 02/07/2007 (536972)
 315 02/09/2007 (534096)
 316 02/14/2007 (544545)
 317 03/15/2007 (531898)
 318 03/15/2007 (533196)
 319 03/23/2007 (543996)
 320 04/02/2007 (539574)
 321 04/05/2007 (543902)
 322 04/09/2007 (555314)
 323 04/09/2007 (543124)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2002 (158501) 1

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/22/2002 (134150) 2

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failed to meet the limit for one or more permit parameter.

Date: 09/30/2002 (158512) 3

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (158524) 4

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (158482) 5

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (158494) 6

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (158502) 7

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/27/2003 (143078) 8

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

Rqmt Prov: PA 39412, SC 15E

Description: Non clerical air violation

Date: 12/31/2003 (295532) 9

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (251270) 10

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
Description: Valero failed to properly report an emissions event.

Date: 03/02/2004 (254943) 11

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 39142, SC #1
Description: Valero exceeded permitted source emission limits during an avoidable emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT SC #2(A)
Description: Valero operated Flare #4 with no flame present.

Date: 03/04/2004 (261689) 12

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
Description: Valero is in of violation for adversely affecting the normal use and enjoyment of property.

Date: 04/30/2004 (295520) 13

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2004 (257997) 14

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD TX-822M2
PERMIT Flexible Permit #39142 and PSD-TX-822M2
Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a three-hour average basis.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
Description: Failure to maintain Coker fuel gas H2S concentration below 162 ppm on a one hour average basis.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
Description: Failure to report a reportable emission event which resulted in the release of H2S and benzene emissions in excess of the reportable quantity.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT Flexible Permit # 39142 and PSD-TX-822M2
Description: failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.
Failure to maintain the SRU thermal reactor with sour water overhead gas flow at a flame temperature of 2000 degrees F or greater.

Date: 08/28/2004 (264976) 15

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions during an emissions event.

Date: 08/31/2004 (270855) 16

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA Permit No. 39142 and PSD-TX-822M2, SC #1
Description: Exceeded permit limits.

Date: 08/31/2004 (271300) 17

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions.

Date: 08/31/2004 (269258) 18

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA Flexible Permit No. 39142, SC 1
Description: Failure to prevent unauthorized emissions.

Date: 09/30/2004 (352183) 19

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/10/2004 (285390) 20

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 12/28/2004 (281856) 21

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 9142 and PSD-TX-822M2
Description: Failure to meet demonstration criteria.

Date: 12/31/2004 (381871) 22

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2005 (338922) 23

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142, Special Condition No. 1
Description: Failure to meet demonstration criteria.

Date: 01/31/2005 (285435) 24

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 39142, SC No. 1
Description: Failure to meet demonstration criteria.

Date: 02/28/2005 (381869) 25

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2005 (419706) 26

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/10/2005 (396623) 27

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA 39142, Special Condition No. 1

Description: Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

Date: 10/31/2005 (468458) 28

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (468459) 29

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (468460) 30

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (451967) 31

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)
Rqmt Prov: PERMIT No. 00449-000 Page 7, No. 2g

Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT 00449-000 Page 2, No. 1 & Page 2d, no. 1

Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006 (455248) 32

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA No. 39142

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/30/2006 (498220) 33

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (481516) 34

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PA 39142, SC No. 1

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions from flaring.

Date: 06/30/2006 (483867) 35

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)
Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC

Date: 09/29/2006 (509876) 36

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA 39142, SC No. 1
Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/31/2007 (544545) 37

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/04/2007 (539574) 38

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA 39142, SC No. 1
Description: Exceeded permit limits during an avoidable emissions event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING-TEXAS, L.P.;
RN100211663
RN100238385**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1813-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("Valero") under the authority of TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE chs. 361 and 382, and the rules of the TCEQ. The Executive Director of the TCEQ, represented by the Litigation Division, and Valero, represented by Parker Wilson, Attorney, Valero Energy Corporation, presented this agreement to the Commission.

Valero understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Valero agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Valero.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Valero owns and operates an oil refinery located at 1300 Cantwell Lane in Corpus Christi, Nueces County, Texas ("Plant 1"). Plant 1 has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code. Plant 1 also consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. Valero owns and operates a petroleum refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas ("Plant 2"). Plant 2 consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on July 6, 2007, TCEQ Staff documented that at Plant 1, Valero:
 - a. Failed to prevent the unauthorized discharge and accumulation of untreated hazardous wastewater on the ground. Specifically, untreated industrial wastewater and contact storm water from Tank 109 was discharged into an earthen containment area surrounding the tank. Analysis of a sample collected from the Interceptor Trench flowing into Tank 109 indicated the wastewater exhibited the toxicity characteristic for benzene (D018) with a benzene concentration of 2.2 milligrams per liter. Also, the Respondent diverted wastewater from Tank 109 to Tank 100 which overflowed the tank and mixed with accumulated stormwater inside the earthen containment area surrounding Tank 100.
 - b. Failed to comply with hazardous waste tank requirements including, but not limited to, the structural integrity of the tank, compatibility with the waste(s) being stored and corrosion protection. Specifically, the respondent diverted D018 waste to Tank 100 which was being used as a crude oil storage tank, thereby utilizing this tank as a hazardous waste storage tank.
4. During a record review in regard to Plant 1, conducted on May 27 and June 20, 2008, a TCEQ Central Office investigator documented that Valero failed to maintain compliance with the emission limits. Specifically, stack testing of the fluidized catalytic cracking unit ("FCCU") Regenerator/CO Boiler Stack (EPN 12-CO-STK) conducted on August 15, 2007 and February 14, 2008 indicated particulate matter emissions of 1.08 and 1.23 pounds ("lbs") per 1,000 lbs of coke burn-off, respectively, with a permit limit of one lb per 1,000 lbs of coke burn-off.
5. During a record review conducted in regard to Plant 2, on March 12, 2007, TCEQ staff documented that Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, FCCU, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit. Specifically, during the December 11, 2006 emissions event the following unauthorized emissions were released from the Alkylation Unit and the No. 1, 2, 3, and 4 Flare Stacks over a period of 33 hours and 30 minutes: 18,329 lbs of sulfur dioxide, 11,798 lbs of volatile organic compounds, and 6,229.90 lbs of carbon monoxide.

6. During record reviews conducted in regard to Plant 2 on March 28, 2007, TCEQ staff documented that Valero:
 - a. Failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the FCCU. Specifically, during the January 19, 2007 emissions event 8,844.40 lbs of unauthorized sulfur dioxide emissions were released from Drum D-157 over a period of two hours.
 - b. Failed to prevent unauthorized emissions during a January 28, 2007 emissions event in the Saturates Gas Plant. Specifically, during the January 28, 2007 emissions event the following unauthorized emissions were released from Drum-465 over a period of 11 hours and 15 minutes: 8,876.20 lbs of sulfur dioxide and 354.90 lbs of propane.
7. During a record review conducted in regard to Plant 2 on May 23, 2007, TCEQ staff documented that Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit. Specifically, during the March 4, 2007 emissions event the following unauthorized emissions were released from Flare Nos. 2 and 3 over a period of 17 hours and 44 minutes: 10,139.40 lbs of sulfur dioxide, 984.80 lbs of carbon monoxide, 476.10 lbs of propane, 122.70 lbs of nitrogen monoxide, 109.90 lbs of hydrogen sulfide, 81.20 lbs of butane, 56.70 lbs of isopentane, 53.80 lbs of ethylene, 10.6 lbs of nitrogen dioxide, 5.6 lbs of butene, and 2.9 lbs of trans-2-butene.
8. Valero received notice of the violations on or about April 5, 2007, April 9, 2007, May 8, 2007 and June 6, 2007, October 8, 2007, June 4, 2008, June 22, 2008, and August 10, 2008.
9. The Executive Director recognizes that Valero has implemented the following corrective measures at Plant 2:
 - a. Installed an external maintenance bypass on the Uninterruptible Power Supply ("UPS") on December 13, 2006, enhanced labeling on the panel UPS schematic and switches on December 31, 2006, installed a backup power connection on December 15, 2006, and implemented a practice of performing job reviews prior to performing any preventative maintenance on the UPS on December 31, 2006, for the purpose of preventing the recurrence of emissions events due to the same cause as the December 11, 2006 emissions event;
 - b. On February 15, 2007 Valero completed installation of a methanol injection system to prevent the formation of hydrates in the deethanizer overhead line, for the purpose of preventing the recurrence of emissions events due to the same cause as the January 19, 2007 and January 28, 2007 emissions events; and

- c. On March 10, 2007 Valero completed adjustments to the internal relief valve settings on the methanol injection pump, for the purpose of preventing the recurrence of emissions events due to the same cause as the March 4, 2004 emissions event.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Valero is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE § 7.002, TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382.
2. As evidenced by Finding of Fact No. 3.a., Valero failed at Plant 1 to prevent the unauthorized discharge and accumulation of untreated hazardous wastewater on the ground. Specifically, untreated industrial wastewater and contact storm water from Tank 109 was discharged into an earthen containment area surrounding the tank. Analysis of a sample collected from the Interceptor Trench flowing into Tank 109 indicated the wastewater exhibited the toxicity characteristic for benzene (D018) with a benzene concentration of 2.2 milligrams per liter. Also, the Respondent diverted wastewater from Tank 109 to Tank 100 which overflowed the tank and mixed with accumulated stormwater inside the earthen containment area surrounding Tank 100, in violation of 30 TEX. ADMIN. CODE §§ 335.4 and 335.43(a), and TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 3.b., Valero failed at Plant 1 to comply with hazardous waste tank requirements including, but not limited to, the structural integrity of the tank, compatibility with the waste(s) being stored and corrosion protection. Specifically, the respondent diverted D018 waste to Tank 100 which was being used as a crude oil storage tank, thereby utilizing this tank as a hazardous waste storage tank, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(B).
4. As evidenced by Finding of Fact No. 4., Valero failed at Plant 1 to maintain compliance with the emission limits. Specifically, stack testing of the FCCU Regenerator/CO Boiler Stack (EPN 12-CO-STK) conducted on August 15, 2007 and February 14, 2008 indicated particulate matter emissions of 1.08 and 1.23 lbs per 1,000 lbs of coke burn-off, respectively, with a permit limit of one lb per 1,000 lbs of coke burn-off, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit Nos. PSD-TX-1023M1 and 2937, Special Condition 18.

5. As evidenced by Finding of Fact No. 5., Valero failed at Plant 2 to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, FCCU, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit. Specifically, during the December 11, 2006 emissions event the following unauthorized emissions were released from the Alkylation Unit and the No. 1, 2, 3, and 4 Flare Stacks over a period of 33 hours and 30 minutes: 18,329 lbs of sulfur dioxide, 11,798 lbs of volatile organic compounds, and 6,229.90 lbs of carbon monoxide, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Permit No. 39142, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. As evidenced by Finding of Fact No. 6.a., Valero failed at Plant 2 to prevent unauthorized emissions during a January 19, 2007 emissions event in the FCCU. Specifically, during the January 19, 2007 emissions event 8,844.40 lbs of unauthorized sulfur dioxide emissions were released from Drum D-157 over a period of two hours, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Permit No. 39142, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. As evidenced by Finding of Fact No. 6.b., Valero failed at Plant 2 to prevent unauthorized emissions during a January 28, 2007 emissions event in the Saturates Gas Plant. Specifically, during the January 28, 2007 emissions event the following unauthorized emissions were released from Drum-465 over a period of 11 hours and 15 minutes: 8,876.20 lbs of sulfur dioxide and 354.90 lbs of propane, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Permit No. 39142, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
8. As evidenced by Finding of Fact No. 7, Valero at Plant 2 failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit. Specifically, during the March 4, 2007 emissions event the following unauthorized emissions from Flare Nos. 2 and 3 over a period of 17 hours and 44 minutes: 10,139.40 lbs of sulfur dioxide, 984.80 lbs of carbon monoxide, 476.10 lbs of propane, 122.70 lbs of nitrogen monoxide, 109.90 lbs of hydrogen sulfide, 81.20 lbs of butane, 56.70 lbs of isopentane, 53.80 lbs of ethylene, 10.6 lbs of nitrogen dioxide, 5.6 lbs of butene, and 2.9 lbs of trans-2-butene, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Air Permit No. 39142, Special Condition No. 1, TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Valero for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of one hundred eight thousand nine hundred dollars (\$108,900.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Valero paid fifty-four thousand four hundred fifty dollars (\$54,450.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, fifty-four thousand four hundred fifty dollars (\$54,450.00) of the administrative penalty shall be conditionally offset by Valero's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Valero's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

NOW, THEREFORE, THE TCEQ ORDERS THAT:

1. Valero is assessed an administrative penalty in the amount of one hundred eight thousand nine hundred dollars (\$108,900.00) as set forth in Conclusion of Law No. 10. The payment of this administrative penalty and Valero's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "re: Valero Refining-Texas, L.P., Docket No. 2007-1813-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Valero Plant 1 shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, Valero shall submit a letter describing to the TCEQ how the excess storm water in Tank 100 was managed.
- b. Within 60 days after the effective date of this Agreed Order, Valero shall submit a written report, evaluating the soils in the secondary containment area around 109 to determine if remediation is necessary. If the report determines that remediation will be required the remediation shall be conducted under the Texas Risk Reduction Program rules in Chapter 350 of the Texas Administrative Code. The report shall be prepared by a registered professional engineer or geologist and be submitted to:

Manager, Waste Section
Corpus Christi Regional Office
NRC Building, Suite 1200
6300 Ocean Dr., Unit 5839
Corpus Christi, TX 78412-5839

With a copy to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include any detailed supporting documentation including photographs, receipts, and/or other records needed to demonstrate compliance with Ordering Provision 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for the obtaining the information. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

With a copy to:

Manager, Waste and Water Sections
Corpus Christi Regional Office
NRC Bldg., Ste. 1200
6300 Ocean Drive, Unit 5839
Corpus Christi, TX 78412-5839

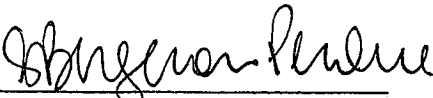
3. The provisions of this Agreed Order shall apply to and be binding upon Valero. Valero is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant 1 and Plant 2 operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Valero shall be made in writing to the Executive Director. Extensions are not effective until Valero receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Valero has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Valero in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Valero, or three days after the date on which the Commission mails notice of the Order to Valero, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/12/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, Valero Refining-Texas, L.P. Plant 1, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Valero's compliance history;
- Greater scrutiny of any permit applications submitted by Valero;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Valero;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Valero; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature

5/7/09

Date

Dennis Payne

Name (Printed or typed)

V.P.

Title

Authorized representative of Valero Refining-Texas, L.P., Plant 1

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]

For the Executive Director

6/12/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, Valero Refining-Texas, L.P., Plant 2 indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Valero's compliance history;
- Greater scrutiny of any permit applications submitted by Valero;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Valero;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Valero; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Adrian Araiza

Signature

5/7/2009

Date

Adrian Araiza

Name (Printed or typed)

Manager, Environmental Affairs

Title

Authorized representative of Valero Refining-Texas, L.P., Plant 2

Attachment A
Supplemental Environmental Project

Attachment A
Docket Number: 2007-1813-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Valero Refining-Texas, L.P.
Penalty Amount:	One hundred and eight thousand nine hundred dollars (\$108,900)
SEP Offset Amount:	Fifty-four thousand four hundred and fifty dollars (\$54,450)
Type of SEP:	Pre-approved
Third-Party Recipient:	Keep Texas Beautiful <i>Texas Waterways Cleanup Program</i>
Location of SEP:	Galveston County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Keep Texas Beautiful** for the *Texas Waterways Cleanup* project in Galveston County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will pay for the labor and disposal costs associated with cleanup of waterways, by supplying project coordination, labor, supplies, and materials. SEP funds shall be limited to the actual direct costs for the specific purposes necessary to meet the requirements of the SEP and no portion of the SEP funds will be spent on administrative costs. Cleanups may be coordinated with waste collection facilities and/or local governments to employ heavy machinery for the removal of large waste items. To the maximum extent possible, cleanups shall be accomplished with the use of volunteers from community groups, private companies, schools, and youth organizations. SEP Funds may be used for activities. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by removing unauthorized trash dumps and providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid communities of hazardous contaminants that may leach into the soil and water.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Keep Texas Beautiful
Attention: Anne Cunic, Affiliate Services Manager
1524 South IH-35, Suite 150
Austin, Texas 78704
P.O. Box 2251
Austin, Texas 78768

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount. In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.